

REMARKS

Claims directed to a non-elected invention have been canceled to expedite prosecution.

Claim 1 has been amended to require that both of the A block and B block are hydrophilic polymers. Support for this amendment is found, for example, on page 4 at line 15, on page 11, lines 14-17, and throughout the specification. Thus, no new matter has been added and entry of the amendment is respectfully requested.

The invention solves the problem of providing capacity for hydrophilic drug substances such as peptides, proteins, nucleic acids and polysaccharides as well as overcoming additional problems for known colloidal drug carriers (see page 3, lines 22, *et seq.*).

All of the rejections are made over the art, but the art fails to disclose or suggest the invention as now claimed.

The Rejection Under 35 U.S.C. § 102

Claims 1-2, 5, 7 and 12-16 were rejected as assertedly anticipated by Seo, *et al.* (WO 01/85216).

The invention as now claimed is clearly not anticipated by Seo, and represents a significant improvement thereover. Claim 1, from which all other claims depend, requires that both polymers that make up the AB block be hydrophilic, while Seo specifically discloses only micelles formed from amphiphilic polymers. As stated, for example, on page 4 at lines 10, *et seq.*, “the biodegradable polymeric composition contains a block copolymer having a hydrophilic poly(alkyleneglycol) component and a hydrophobic biodegradable polymer component....” Seo goes on to discuss how the micelles are formed at lines 21, *et seq.*, “Only the hydrophilic

component block and not the hydrophobic component block of the copolymer has an affinity or attraction for the polyethylene glycol matrix.” A reading of the entire Seo specification makes clear that the polymers employed must contain a hydrophobic block. Thus, clearly there can be no anticipation of claim 1, and therefore no anticipation of claims dependent thereon.

Applicants appreciate the care with which the Examiner has pointed to features of the dependent claims in relation to the cited document, but this is believed moot in view of the amendment to claim 1.

Not only does Seo not anticipate the present invention, it clearly does not suggest it as it mandates that one of the blocks be hydrophobic.

Therefore, this basis for rejection may be withdrawn.

The Rejection Under 35 U.S.C. § 103

The claims not previously rejected as anticipated (claims 3-4, 6, 8-11 and 37) were rejected as assertedly unpatentable over Seo, *et al.*, in view of Hennink, *et al.* (WO 98/220930).

Hennink is cited for its disclosure of biodegradable spacers included among polymers in micelles. However, since the relevant claims are dependent on claim 1 which no longer reads on the micelles of Seo, these rejections are moot as well.

Conclusion

The invention as now claimed requires block copolymers in which both A and B block are hydrophilic. None of the cited art discloses such micelles. Therefore, applicants believe that the examined claims, claims 1-16 and 37, are in a position for allowance and passage of these claims to issue is respectfully requested.

If minor issues remain that could be resolved by phone, a call to the undersigned would be appreciated.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **docket No. 313632001300**.

Respectfully submitted,

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